

# **EXHIBIT 1**

**For Federal civil complaint**

**-- MOTION UNDER RULE 45 ASKING THE  
CLERK TO SUBPOENA ATTORNEY JOHN  
SCOTT COALTER FOR DISCOVERY AND TO  
PROVE THE FACTUAL MATTER UNDER  
COMPLAINT --**

**Brian David Hill v. Executive Office  
for United States Attorneys (EOUSA),  
United States Department of Justice  
(U.S. DOJ)**

**Civil Case Number 4:17-cv-00027**

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Published: 05:12 PM, Fri Aug 13, 2010

## NC SBI concludes agent's report violated practices

By Martha Waggoner  
The Associated Press

**RALEIGH, N.C.** - North Carolina's top law enforcement agency has concluded that one of its agents violated its practices when he changed a report in a murder case without telling anyone and bolstered the prosecution's case.

In a letter obtained by The Associated Press, Erik Hooks of the SBI's professional standards division said he believes "a second separate report concerning the re-examination of evidence should have been issued" by Special Agent Gerald Thomas. He also said the SBI concluded that Thomas didn't adhere to the SBI's administrative practices.

The letter, dated July 6, was sent to Brad Bannon, one of the attorneys who represented Dr. Kirk Turner on charges that he killed his wife. Turner, a dentist with a practice in Clemmons, said he killed his wife in self-defense after she attacked him with a 7-foot spear in September 2007 at their home in Davie County.

A jury acquitted him last year, finding him not guilty by reason of self-defense.

Thomas' actions in the case were first made public this week by The News & Observer of Raleigh, which said Thomas reported initially that the bloodstain pattern on Turner's T-shirt "was consistent with a bloody hand being wiped on the surface of the shirt." The newspaper's story was part of its series on the SBI.

Thomas then changed the report - but kept the same Sept. 14, 2007, date on it - to say the bloodstain "was consistent with a pointed object, consistent with a knife, being wiped on the surface of the shirt" but left the same date on the report, the newspaper reported.

The latter theory coincided with that of prosecutors, who said Turner killed his wife, Jennifer, then wiped his knife on his shirt. Prosecutors claimed he staged the scene by ramming the spear's 18-inch blade twice through his thigh.

To verify the prosecution's theory, Thomas and another agent, Duane Deaver, conducted two tests which they recorded on video, the newspaper said.

The video shows Thomas twice putting on a clean shirt, dipping a knife in blood and wiping the blade on his shirt to try to get a stain resembling the knife's outline. After the second attempt, Deaver, who was filming, said: "Oh, even better, holy cow, that was a good one. Beautiful. That's a wrap, baby."

Evidence showing that the report had been changed affected the jury's decision, the jury foreman told the newspaper.

"And this guy's presenting evidence in a murder trial and he's got two different reports with the same date on 'em and nothing indicating his information has changed," foreman Landon Potts said. "Everybody on the jury was stunned by that. I think that really crippled the prosecution's case from the beginning."

Bannon, who provided a copy of the SBI letter Friday to The AP via e-mail, was part of a group of criminal defense attorneys who met in March with staffers from the Attorney General's Office to express their concerns about the SBI's work. That led to the internal review, during which Bannon was interviewed about Thomas' work and the Turner case.

What was the N.C. General Assembly's biggest accomplishment this session?

- Toughening regulations for abortion clinics
- Voting changes, including requiring photo IDs and shortening early voting
- Lowering state income tax rates and adding more sales taxes
- Nothing. I disagree with most of the legislature's actions

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The voice mail at Thomas' SBI office in Greensboro said he was out of the office until Aug. 18, and Deaver has declined repeated attempts by the AP to interview him. Bannon did not immediately respond to phone calls or e-mails to discuss the letter.

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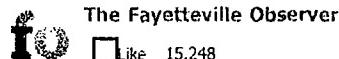
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